

REMARKS / ARGUMENTS

Applicants request reconsideration of the rejection of claims 17-22 under 35 USC 103(a) over Yu et al for the reasons that follow.

The presently claimed method is limited to the treatment of Bcr/Abl positive leukemia that is resistant to treatment with the compound of formula (I), known as imatinib. Yu et al discloses synergy between flavopiridol and imatinib in certain Bcr-Abl positive leukemia cell lines. However, it contains no teaching with respect to Bcr-Abl positive leukemia that is resistant to imatinib.

The Examiner concludes in the present rejection that the disclosure of Yu et al provides a reasonable expectation of success when treating imatinib resistant leukemias with a combination of flavopiridol and imatinib. However, the Examiner provides no basis for this conclusion. In order to properly reject the present method under 35 USC 103(a), the Examiner must also provide a teaching from the prior art that would lead the skilled artisan to expect success when extrapolating the disclosure of Yu et al to imatinib resistant leukemias. However, no reference is cited to support this conclusion. Therefore, the rejection is improper and should be withdrawn.

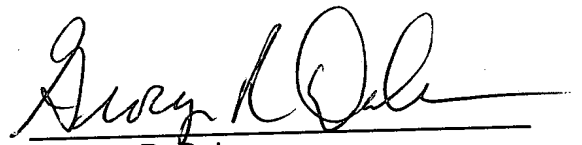
In view of the discussion above, Applicants request reconsideration and withdrawal of the rejection of claims 17-22 under 35 USC 103(a).

Entry of this response, reconsideration of the claims and withdrawal of the rejections are respectfully requested.

Novartis Pharmaceuticals Corp.  
Patents Pharma  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7824

Date: August 6, 2008

Respectfully submitted,



George R. Dohmann  
Attorney for Applicants  
Reg. No. 33,593